

be present at the site of the emergency. Drivers and attendants are authorized to use only such equipment for which they are qualified by training.

All ambulances offering non-emergency service shall be equipped with oxygen and resuscitation and aspiration equipment. No ambulance offering only non-emergency services shall be equipped with emergency warning lights or siren.

Sec. 2. This bill becomes effective the day after final enactment.

Approved April 8, 1976.

CHAPTER 203—H.F.No.1440

[Coded]

An act relating to private cemeteries; recovery of abandoned lots; amending Minnesota Statutes 1974, Chapter 307, by adding a section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1974, Chapter 307, is amended by adding a section to read:

[307.11] PRIVATE CEMETERIES; ABANDONED LOTS; RECOVERY. Sections 306.21; 306.22; 306.23; 306.24 and 306.241 apply to private cemeteries subject to the provisions of this chapter.

Approved April 8, 1976.

CHAPTER 204—H.F.No.1876

[Coded]

An act relating to transportation; creating a rail service improvement account; authorizing contractual agreements for rail line rehabilitation; establishing a rail service improvement program; prescribing powers and duties of the director of the state planning agency; requiring study of state regulatory and taxation policies affecting rail transportation; appropriating money.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[222.46] TRANSPORTATION; RAIL SERVICE IMPROVEMENT ACT; LEGISLATIVE PURPOSE.** The legislature finds and determines that integrated transportation systems, including railways, highways and airways, are necessary in order to meet the eco-

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nomic and energy needs of the citizens of the state, both now and in the future. The legislature finds that a portion of the present railroad system in the state does not provide adequate service to citizens of the state. The legislature further finds and determines that it is in the best interest of the state to establish and fund a rail service improvement program and to establish a railroad planning process in order to preserve and improve essential rail service in the state.

Sec. 2. **[222.47] CITATION.** Sections 1 to 9 may be cited as "the Minnesota rail service improvement act".

Sec. 3. **[222.48] DEFINITIONS.** Subdivision 1. As used in sections 1 to 9, the terms defined in this section shall have the meanings given them herein.

Subd. 2. "Department" means the state planning agency.

Subd. 3. "Director" means the director of the state planning agency.

Subd. 4. "Rail line" means railroad roadbeds, track, track structure, and other appurtenances of railroad right-of-way.

Subd. 5. "Rail service" means rail transportation and local rail service.

Subd. 6. "Rail users" means shippers, consignors or other business entities that depend upon or benefit from the movement of goods and products by means of rail service.

Sec. 4. **[222.49] RAIL SERVICE IMPROVEMENT ACCOUNT.** The rail service improvement account is created in the special revenue fund in the state treasury. The director shall deposit all money appropriated to or received by the department for the purpose of rail service improvement, including federal money, in this account. All money so deposited is appropriated to the department for expenditure for rail service improvement in accordance with applicable state and federal law. This appropriation shall not lapse but shall be available until the purpose for which it was appropriated has been accomplished. No money appropriated to the department for the purposes of administering the rail service improvement program shall be deposited in the rail service improvement account nor shall such administrative costs be paid from the account.

Sec. 5. **[222.50] RAIL SERVICE IMPROVEMENT PROGRAM.** Subdivision 1. There is created the rail service improvement program to provide assistance for improvement of rail service in the state.

Subd. 2. The director shall identify those rail lines that have deteriorated or are in danger of deteriorating so as to be unable to carry the speeds and weights necessary to efficiently transport the goods

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and products moved or sought to be moved on the lines.

Subd. 3. The director shall have the power to:

(a) Set priorities for the allocation of money or in kind contributions to railroads according to criteria developed by the director. The criteria shall include the anticipated economic and social benefits to the state and to the area being served;

(b) Negotiate and enter into contracts for rail line rehabilitation or other rail service improvement;

(c) Disburse state and federal money for rail service improvements;

(d) Adopt rules necessary to carry out the purposes of this act.

Subd. 4. The director may negotiate and enter into contracts for the purpose of rail line rehabilitation. The participants in these contracts shall be railroads, rail users and the department, and may be political subdivisions of the state and the federal government. In such contracts, participation by all parties shall be voluntary. The director may provide a portion of the money required to carry out the terms of any such contract by expenditure from the rail service improvement account.

Subd. 5. In making any contract pursuant to subdivision 2 the director may:

(a) Stipulate minimum operating standards for rail lines designed to achieve reasonable transportation service for shippers and to achieve best use of funds invested in rail line rehabilitation;

(b) Require a portion of the total assistance for improving a rail line to be loaned to the railroad by rail users and require the railroad to reimburse rail users for any loan on the basis of use of the line and the revenues produced when the line has been improved;

(c) Determine the terms and conditions under which all or any portion of state funds allocated shall be repaid to the department by the railroads. Reimbursement may be made as a portion of the increased revenue derived from the improved rail line. Any reimbursement received by the department pursuant to this clause shall be deposited in the rail service improvement account and shall be appropriated exclusively for rehabilitating other rail lines in the state pursuant to subdivision 4; and

(d) Require, in lieu of reimbursement as provided in clause (c) of this subdivision, that the railroad establish and maintain a separate railroad fund to be used exclusively for rehabilitation of other rail lines in Minnesota, to which a portion of the increase in revenue derived

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from the improved rail line shall be credited. The terms and conditions for use of money in the fund shall be stipulated in the contract. The contract shall also stipulate a penalty for use of such money in a manner other than as set forth in the contract and require the railroad to report to the department at such times as the director requires, concerning the disbursement of money from the fund and the general status of rail line improvements.

Sec. 6. [222.51] PARTICIPATION BY POLITICAL SUBDIVISIONS. The governing body of any political subdivision of the state may with the approval of the director appropriate money for rail service improvement and may participate in the state rail service improvement program.

Sec. 7. [222.52] COOPERATION BETWEEN STATES. The director may cooperate with other states in connection with the rail service improvement program and the railroad planning process. In exercising the authority conferred by this section, the director may enter into contractual agreements with other states.

Sec. 8. [222.53] ACCEPTANCE OF FEDERAL MONEY. The director may exercise those powers necessary for the state to qualify for, accept, and disburse any federal money that may be made available pursuant to the provisions of the federal rail revitalization and regulatory reform act of 1976, including the power to:

(a) Establish an adequate plan for rail service in the state as part of an overall planning process for all transportation services in the state, including a suitable process for updating, revising, and amending the plan;

(b) Administer and coordinate the plan with other state agencies, and provide for the equitable distribution of resources;

(c) Develop, promote, and support safe, adequate and efficient rail transportation services; employ qualified personnel; maintain adequate programs of investigation, research, promotion and development, with provisions for public participation; and take all practical steps to improve transportation safety and reduce transportation related energy utilization and pollution;

(d) Adopt and maintain adequate procedures for financial control, accounting and performance evaluation in order to assure proper use of state and federal money;

(e) Do all things otherwise necessary to maximize federal assistance to the state under the federal rail revitalization and regulatory reform act of 1976.

Sec. 9. [222.54] ACCESS TO INFORMATION. The director may request any railroad to provide such information as is reasonably nec-

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essary to carry out the purposes of this act. After a reasonable time to comply with the request, the director may make final demand for the requested information. If the information is not provided within 60 days of final demand the director may issue a subpoena to compel production of the information. The director shall exercise all necessary caution to avoid disclosure of confidential information supplied under this section.

Sec. 10. EXAMINATION OF POLICIES. The director together with the department of public service and any other appropriate agency shall examine state regulatory policies affecting rail service and costs to users of that service including: (a) special assessments for public improvements made adjacent to railroad rights of way with respect to benefit, if any, to the railroad therefrom; (b) the use of public funds for the cost of maintaining highway-railroad grade crossing protection devices and signals; and (c) laws and regulations that may not be appropriate to present circumstances. The tax study commission shall examine the effect of the gross earnings tax on rail service and costs to users of that service, and shall transmit its conclusions and recommendations to the director for inclusion in his report to the legislature. The director shall report the conclusions and recommendations resulting from these studies to the legislature no later than January 30, 1977.

Sec. 11. APPROPRIATIONS. Subdivision 1. There is appropriated from the general fund to the state planning agency for deposit in the rail service improvement account the sum of \$3,000,000, to be used exclusively for rail line rehabilitation pursuant to section 5, subdivision 4.

Subd. 2. There is appropriated from the general fund to the state planning agency the sum of \$150,000 for administrative costs of the rail service improvement program, to be available until June 30, 1977.

Sec. 12. EFFECTIVE DATE. This act is effective the day following final enactment.

Approved April 8, 1976.

CHAPTER 205—H.F.No.1895

An act relating to highway traffic regulations; brakes; amending Minnesota Statutes 1974, Section 169.67, Subdivision 3.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1974, Section 169.67, Subdivision 3, is amended to read:

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